

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3796 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

A.V. THAKER

Versus

STATE OF GUJARAT

Appearance:

MR BP TANNA for Petitioners-absent
M/S PATEL ADVOCATES for Respondent No. 1, 2-absent.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 04/08/2000

ORAL JUDGEMENT

This is a petition for direction to the respondent authorities to fix the salary of the petitioners in the pay scale of Rs.260-350 as on 1.1.73 and for a further direction to fix their salary in the new pay scale of 1986 and for a further direction to pay

arrears of salary on the basis of the above re-fixation and give the petitioners their entire amount of arrears of pay. The petitioner nos. 1 and 2 were initially recruited as wiremen helper and subsequently they were promoted as wiremen. The petitioner nos. 3 and 4 working as wiremen and helper in the department of the respondent no. 2 at the relevant time when the petition was filed. The grievance of the petitioners in the petition is that though they are appointed as wremen and helper in the Government Printing Press and they are equally working in other departments as wiremen. Hence, they are entitled for the salary of wiremen. All the petitioners possess wireman's certificate by the Licensing Board and they are entitled to be treated at par with the wireman helper working in the other departments of the Government. But the cadre of wireman helper was given pay scale of Rs.196-232 while in other offices like Public Works Department, Directorate of Ports, Chief Engineer (Electrical) etc., they are getting Rs. 260-430. In those offices, the wiremen helpers who had passed the examination of second class wireman were given the pay scale of Rs.260-430 of the wireman. The work of the wireman as well as wireman helper is one and the same in all the offices. The qualifications for the wireman helper in the central press who had passed IIInd class wireman's examination were not allotted pay scale of Rs.260-430, but the petitioners having qualifications who had passed IIInd class wireman's examination have not been given the pay scale of Rs.260-430 though their work was a risky job and their work and responsibilities are the same as of worenman. They moved a representation dated 27.10.1976 to the Secretary to the Government of Gujarat, Finance Department, Gandhinagar for the implementation of the new pay scales to wiremen helpers wherein it is suggested that they should be given the pay scale of Rs.260-430 and they are also entitled to have the same scale as that of the wireman.

2. The petitioners again represented their case to the higher authorities. The Desai Pay Commission also suggested that those wiremen who were possessing second class wireman's examination certificate should be given the pay scale of Rs.260-430 instead of Rs.196-232 and if any electric majdoor had passed the second class wiremana's examination, he would be entitled to the pay scale of Rs.260-430. The petitioners as well as the Unions of the petitioners sent various representations to the Government. In the meanwhile, Justice Ahmed Pay Commission was also appointed. When they requested the Government for the pay scale made available by Ahmed Pay Commission, the petitioners were informed that they

should wait till the Expert Committee consisting of Justice S.A.Shah, Retired Judge gives its report. A representation was also made before expert committee, but all went in vain due to negligence on the part of the department and the petitioners' working as wiremen-helper and possessing qualifications of wireman second class examination were still not given those benefits.

3. List has been revised. None appears on behalf of any of the parties and no counter-affidavit or affidavit-in-reply has been filed on behalf of the respondents in this case. The petitioners have sought refixation of their pay scale.

material on record, this court is helpless to pass any appropriate order. Thus, this petition is being disposed of with a direction to the respondent authorities to decide the grievances of the petitioners within a period of two months. The petitioners are directed to make a representation to the respondent authorities within two months from tody and if such a representation is made by the petitioners within stipulated time, the concerned authorities are directed to decide the same in accordance with law within a period of two months thereafter. Rule is discharged with no order as to costs.

(Kundan Singh,J)

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